## EXPRESS MAIL NO. EV398879125US

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Present Application

Applicants : Christoph Reinhard et al.

Title : AKT3 INHIBITORS

Docket No. : 59516-47/PP-01699

Date : March 29, 2004

**Prior Application:** 

Examiner : Karen A. Lacourciere

Art Unit : 1635

Application No. : 09/851,670

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

## Commissioner for Patents:

In accordance with 37 C.F.R. §§ 1.56 and 1.97 through 1.98, applicants wish to make known to the Patent and Trademark Office the references set forth on the attached form PTO/SB/08. This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior Application No. 09/851,670, filed May 8, 2001. The references listed on the attached form PTO/SB/08 were submitted to and/or cited by the Patent and Trademark Office in this prior application and, therefore, are not required to be provided in this application. If the Examiner wishes, copies will be provided upon request. As to any reference supplied, applicants do not admit that it is "prior art" under 35 U.S.C. §§ 102 or 103, and specifically reserve the right to traverse or antedate any such reference, as by a showing under 37 C.F.R. § 1.131 or other method. Although the aforesaid references are made known to the Patent and Trademark Office in compliance with applicants' duty to disclose all information they are aware of which is believed relevant to the examination of the above-identified application, applicants believe that their invention is patentable.

No fee is due at this time in accordance with 37 C.F.R. § 1.97(b).

Please acknowledge receipt of this Information Disclosure Statement and kindly make the cited references of record in the above-identified application.

> Respectfully submitted, Christoph Reinhard et al. DAVIS WRIGHT TREMAINE LLP

Jane E. R. Potter

Registration No. 33,332

2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688 Phone: (206) 628-7650

Facsimile: (206) 628-7699

PTO/SB/08A (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO	Complete if Known		
INFORMATION DISCLOSURE	Application Number		
STATEMENT BY APPLICANT	Filing Date	March 29, 2004	
(Use as many sheets as necessary)	First Named Inventor	Christoph Reinhard	
,	Art Unit		
	Examiner Name		
Sheet 1 of 3	Attorney Docket Number	59516-47/PP-01699	

				NT DOCUME			
Examiner Initials*	Cite No.1	Document Number	Publication Da MM-DD-YYYY		Name of Patentee or oplicant of Cited Document	Pages, Columns, Lines, W Relevant Passages or Rele Figures Appear	here vant
		Number-Kind Code <sup>2 (if known)</sup>	ļ			- '-	_
		US-6,187,586	02-13-2001				
		US-5,958,773	09-28-1999				
		US-	ļ. <u></u>				
	'	US-					
		US-	·				
		US-					
		US-					
		US-					
		US-					
		US-					
		US-					
		US-					
		US-					
		US-					
		US-			•	•	
		US-					
		US-					
_		US-					
<u></u>	04-	1- /	FOREIGN PA		MENTS  Name of Patentee or	Donne Columns Lines	_
Examiner Initials*	Cite No.1	Foreign Patent Document		Publication Date	Applicant of Cited Docum	nent Where Relevant Passages	Т
	_	Country Code 3-Number 4-Kind Code 5 (if I	own) MM-DD-YYYY			Or Relevant Figures Appear	$\bot$
. <del>_</del> .							$\perp$
-							T
							$\dagger$
							+-
							_
Examiner Signature					Date		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformation with MPEP 609. Draw line through citation if not in conformation and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04 <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to compete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/08B (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Su	ubstitute for form 144	9/PTO		Complete if Known			
INEO	RMATION	פוח	CLOSURE	Application Number			
	TEMENT B			Filing Date	March 29, 2004		
			First Named Inventor	Christoph Reinhard			
	(Use as many sheets as necessary)			Art Unit			
	•			Examiner Name			
Sheet	2	of	3	Attorney Docket Number	59516-47/PP-01699		

NON PATENT LITERATURE DOCUMENTS  Examiner   Cite   Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of					
nitials*  No. 1 the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-is number(s), publisher, city and/or country where published.		T <sup>2</sup>			
		AGRAWAL ET AL., Antisense Therapeutics: Is it as Simple as Complementary Base Recognition, MOLECULAR MEDICINE TODAY, 6:72-81, 2000.			
		GREEN ET AL., Antisense Oligonucleotides: An Evolving Technology for the Modulation of Gene Expression in Human Disease, J. Am. Coll. Surg., 191(1):93-105, 2000.			
		JEN ET AL., Suppression of Gene Expression by Targeted Disruption of Messenger RNA: Available Options and Current Strategies, STEM CELLS, 18:307-319, 2000.			
	:	MA ET AL., Synthetic Oligonucleotides as Therapeutics: The Coming of Age, BIOTECHNOLOGY ANNUAL REVIEW, 5:155-196, 2000.			
		BRODBECK ET AL., A Human Protein Kinase By with Regulatory Phosphorylation Sites in the Activation Loop and in the C-Terminal Hydrophobic Domain, THE JOURNAL OF BIOLOGICAL CHEMISTRY, 274(14):9133-9136, 1999.			
		FLANAGAN ET AL., Cellular Penetration and Antisense Activity by a Phenoxazin-Substituted Heptanucleotide, NATURE BIOTECHNOLOGY, 17(1):48-52, 1999.			
		MASURE ET AL., Molecular Cloning, Expression and Characterization of the Human Serine/Threonine Kinase Akt-3, Eur. J. BIOCHEM., 265:353-360, 1999.	-		
		NAKATANI ET AL., Identification of Human Akt3 (Protein Kinase B y) Which Contains the Regulatory Serine Phosphorylation Site, BIOCHEMICAL AND BIOPHYSICAL RESEARCH COMMUNICATIONS, 257:906-910, 1999.			
		NAKATANI ET AL., Up-Regulation of Akt3 in Estrogen Receptor-Deficient Breast Cancers and Androgen-Independent Prostate Cancer Lines, J. BIOL. CHEM., 274(31):21528-21532, 1999.			
		ALESSI ET AL., Mechanism of Activation and Function of Protein Kinase B, CURRENT OPINION IN			
		GENETICS & DEVELOPMENT, 8(1):55-62, 1998.			

Examiner	Date	
Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformation with MPEP 609. Draw line through citation if not in conformation and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to compete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995,no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known			
INEO		DIS	CLOSUDE	Application Number			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	March 29, 2004		
• • • • • • • • • • • • • • • • • • •	(Use as many sheets as necessary)			First Named Inventor	Christoph Reinhard		
				Art Unit			
	<u>.</u>			Examiner Name			
Sheet	3	of	3	Attorney Docket Number	59516-47/PP-01699		

	T	NON PATENT LITERATURE DOCUMENTS	
Examiner Cite No. 1		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-iss number(s), publisher, city and/or country where published.	
		BRANCH ET AL., A Good Antisense Molecule is Hard to Find, TIBS 23, 45-50, 1998.	
	,	DOWNWARD, Mechanisms and Consequences of Activation of Protein Kinase B/Akt, CURRENT OPINION IN CELL BIOLOGY, 10(2):262-267, 1998.	
		BENNETT ET AL., Pharmacology of Antisense Therapeutic Agents, Chapter 2, Methods in Molecular Medicine: Antisense Therapeutics, ISBN: 0_89603-305-8, 13-46, 1996.	
		CHENG ET AL., Amplification of AKT2 in Human Pancreatic Cells and Inhibition of AKT2 Expression and Tumorigenicity by Antisense RNA, P.N.A.S. U.S.A 93:3636-3641, 1996.	
		BELLACOSA ET AL., Molecular Alterations of the AKT2 Oncogene in Ovarian and Breast Carcinomas, International J. Cancer 64(4):280-285, 1995.	
		BOS, A Target for Phosphoinositide 3-kinase: Akt/PKB, TRENDS BIOCHEM. SCI. 20:441-442, 1995.	
		KONISHI ET AL., Molecular Cloning and Characterization of a New Member of the RAC Protein Kinase Family: Association of the Pleckstrin Homology Domain of Three Types of RAC Protein Kinase with Protein C Subspecies and B y Subunits of G Proteins, BIOCHEMICAL AND BIOPHYSICAL RESEARCH COMMUNICATIONS, 216(2):526-534, 1995.	
		CHENG ET AL., AKT2, a Putative Oncogene Encoding a Member of a Subfamily of Protein- Serine/Threonine Kinases, is Amplified in Human Ovarian Carcinomas, P.N.A.S. U.S.A 89:9267-9271, October 1992.	
		STAAL, Molecular Cloning of the Akt Oncogene and its Human Homologues AKT1 and AKT2: Amplification of AKT1 in a Primary Human Gastric Adenocarcinoma, P.N.A.S. U.S.A. 84(14):5034-5037, July 1987.	

Examiner	Date	
Signature	 Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformation with MPEP 609. Draw line through citation if not in conformation and

<sup>1</sup> Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to compete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.